

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Markem Corporation,
Plaintiff

v.

Zipher Ltd. and
Videojet Technologies, Inc.,
Defendants.

Civil Action No. 1:07-cv-6-SM

MARKEM'S REPLY TO DEFENDANTS' COUNTERCLAIMS

NOW COMES Plaintiff Markem Corporation ("Markem"), by its attorneys Fish & Richardson P.C. and Hinckley, Allen & Snyder LLP, pursuant to Rule 8 of the Federal Rules of Civil Procedure, responding to Defendants Zipher Ltd.'s ("Zipher") and Videojet Technologies, Inc.'s ("Videojet") (collectively "Defendants") Answer to Complaint for Declaratory Judgment, Affirmative Defenses, Counterclaims and Jury Demand.

Markem denies each and every allegation contained in Defendants' Counterclaims that is not expressly admitted below. Any factual allegation admitted below is admitted only as to the specific admitted facts, not as to any purported conclusions, characterizations, implications, or speculations that arguably follow from the admitted facts. Markem denies that Defendants are entitled to the relief requested or any other.

REPLY TO DEFENDANTS' COUNTERCLAIMS

1. Markem admits upon information and belief that Zipher is a corporation existing under the laws of England, with a principal place of business located at 7 Faraday Building, Nottingham Science & Technology Park, University Boulevard, Nottingham NG7 2QP, United Kingdom.

2. Markem admits upon information and belief that Videojet is a Delaware corporation having a principal place of business located at 500 Mittel Blvd., Wood Dale, Illinois 60191.

3. Admitted.

4. Admitted.

5. Admitted.

6. Markem admits that Defendants' Counterclaims purport to state a claim for patent infringement, but denies that any bases exist for any such claims against Markem. Markem admits that this Court has subject matter jurisdiction over the action.

7. Markem admits that this judicial district is one in which venue is proper with respect to Markem. Markem denies the remaining allegations of paragraph 7.

8. Admitted.

9. Markem admits that United States Patent No. 7,150,572 (the "'572 patent") is entitled "Tape Drive and Printing Apparatus," and was issued by the United States Patent and Trademark Office on December 19, 2006. Markem denies that the '572 patent was duly and legally issued by the United States Patent and Trademark Office.

10. Markem is without information or knowledge sufficient to form a belief as to the truth or falsity of the allegations of paragraph 10, and therefore denies these allegations.

11. Markem is without information or knowledge sufficient to form a belief as to the truth or falsity of the allegations of paragraph 11, and therefore denies these allegations.

12. Markem is without information or knowledge sufficient to form a belief as to the truth or falsity of the allegations of paragraph 12, and therefore denies these allegations.

REPLY TO DEFENDANTS' COUNTERCLAIM

13. Markem incorporates by reference the preceding paragraphs 1-12 as if fully set forth herein.

14. Denied.

15. Denied.

16. Denied.

REPLY TO DEFENDANTS' PRAYER FOR RELIEF

17. Markem denies the Defendants are entitled to any relief whatsoever in this action, either as prayed for in its Answer to Complaint for Declaratory Judgment, Affirmative Defenses, Counterclaims and Jury Demand, or otherwise.

Dated: April 30, 2007

Respectfully submitted,

By: /s/ Daniel M. Deschenes

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Attorneys for Plaintiff
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CERTIFICATE OF SERVICE

I certify that on this date a true and accurate copy of the foregoing was served on Larry S. Nixon and Daniel J. Bourque, attorneys for Defendants Zipher and Videojet, via CM/ECF.

/s/ Daniel M. Deschenes
Daniel M. Deschenes

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